



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David Saltzman, Esq.
Saltzman & Evinch, PC
1050 K Street, NW
Suite 1150
Washington, DC 20001

MAR 13 2015

RE: MUR 6494
David Saltzman

Dear Mr. Saltzman:

Enclosed please find the Factual and Legal Analysis, which more fully explains the Commission's decision in this matter. This document will be placed on the public record as part of the file in MUR 6494 when that matter is closed as to all respondents. The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109 (a)(12)(A) (formerly 2 U.S.C. § 437g(a)(12)(A)) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Powers".

William A. Powers
Assistant General Counsel

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENT:** David Saltzman

MUR 6494

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5 **I. GENERATION OF MATTER**

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7 This matter was generated by a Complaint filed with the Federal Election Commission
8 (the "Commission"). See 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)).¹

9 **II. FACTUAL AND LEGAL ANALYSIS**

10 Complainant alleges that the Turkish Coalition of America, Inc. ("TCA"), a 501(c)(3)
11 corporation, violated 52 U.S.C. § 30118(a) (formerly 2 U.S.C. § 441b(a)) by making a \$651,000
12 in-kind corporate contribution to U.S. Representative Jeannette Schmidt and her campaign
13 committee, Schmidt for Congress Committee and Phillip Greenburg in his official capacity as
14 treasurer (the "Committee"), by providing free legal services from its legal arm, the Turkish
15 American Legal Defense Fund ("TALDF"), for a series of legal proceedings following an
16 acrimonious 2008 Congressional election between Schmidt and David Krikorian, the Complainant.

17 Saltzman denies violating the Act and asserts in his Response that the legal services
18 provided by TALDF were not for the purpose of influencing an election because he was retained
19 after the 2008 election, the services were not rendered to a political committee, and not
20 contingent on whether Schmidt would seek future office.²

21 The Act prohibits a corporation from making a contribution or expenditure in connection
22 with a federal election, and no officer or director of any corporation may consent to any

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Saltzman Resp. at 2 (Aug. 1, 2012).

1 contribution by a corporation.³ The Act further prohibits any candidate, political committee, or
2 other person from knowingly accepting or receiving a contribution from a corporation.⁴ The
3 "knowing" acceptance of a contribution requires knowledge of the underlying facts that
4 constitute the prohibited act, but not knowledge that the act itself — such as acceptance of a
5 corporate contribution — is unlawful.⁵

6 The term "contribution" includes "any gift, subscription, loan, advance, or deposit of
7 money or anything of value made by any person for the purpose of influencing any election for
8 Federal office."⁶ More specifically, "contribution" also includes the "payment by any person of
9 compensation for the personal services of another person which are rendered to a political
10 committee without charge for any purpose."⁷

11 Section 30118(a) (formerly 441b(a)) of the Act also prohibits any officer or director of
12 any corporation from consenting to any contribution by the corporation.⁸ Saltzman was not an
13 officer or director of TCA, and the Commission finds no reason to believe that he violated
14 section 30118(a) (formerly 441b(a)) of the Act.

³ See 52 U.S.C. § 30118(a) (formerly 2 U.S.C. § 441b(a)); 11 C.F.R. § 114.2(b), (e).

⁴ 11 C.F.R. § 114.2(b), (e).

⁵ See *FEC v. Dramesi*, 640 F. Supp. 985, 987 (D.N.J. 1986) ("A 'knowing' standard does not require knowledge that one is violating a law, but merely requires an intent to act."); see also *FEC v. California Med. Ass'n*, 502 F. Supp. 196, 203-04 (N.D. Cal. 1980) (party's knowledge of the facts making conduct unlawful constitutes a "knowing acceptance" under the Act.)

⁶ 52 U.S.C. § 30101(8)(A)(i) (formerly 2 U.S.C. § 431(8)(A)(i)); 11 C.F.R. § 100.52(a); see also 52 U.S.C. § 30118(b)(2) (formerly 2 U.S.C. § 441b(b)(2)) (defining "contribution" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section.").

⁷ 52 U.S.C. § 30101(8)(A)(ii) (formerly 2 U.S.C. § 431(8)(A)(ii)).

⁸ See also 11 C.F.R. § 114.2(e).